

ETHICS COMMITTEE

DATE: January 21, 2010

CALLED TO ORDER: 6:37 p.m.

ADJOURNED: 6:54 p.m.

ATTENDANCE

ATTENDING MEMBERS

Ginny Cain, Chairwoman
José Evans
Robert Lutz
Brian Mahern
Mary Moriarty Adams
Kent Smith

ABSENT MEMBERS

AGENDA

PROPOSAL NO. 21, 2010 - confirms the Mayor's reappointment nomination of Dan Ladendorf to the City-County Ethics Commission
"Do Pass" Vote: 6-0

PROPOSAL NO. 22, 2010 - amends the Code and adopts procedures for investigations of allegations of violations of ethical standards for councilors
"Do Pass as Amended" Vote: 6-0

ETHICS COMMITTEE

The Ethics Committee of the City-County Council met on Thursday, January 21, 2010. Chairwoman Ginny Cain called the meeting to order at 6:37 p.m. with the following members present: José Evans, Robert Lutz, Brian Mahern, Mary Moriarty Adams and Kent Smith. General Counsel, Robert Elrod, represented Council staff.

PROPOSAL NO. 21, 2010 - confirms the Mayor's reappointment nomination of Dan Ladendorf to the City-County Ethics Commission

Chairwoman Cain asked Mr. Ladendorf to tell the Committee about himself. Mr. Ladendorf said that he and his brother currently have a private practice on the northeast side of Indianapolis. He said prior to that, he spent 15 years in local government and two years in state government in a number of different capacities. He said his jobs included the following: court administrator for the old municipal courts in Marion County, deputy prosecutor for five years, chief deputy clerk under former county clerk, Sarah Taylor, and a couple of other positions.

Chairwoman Cain asked if this is a three-year appointment. Councillor Lutz answered in the affirmative. Mr. Ladendorf said that he can commit for another three years, and he added that he has been a member of the Ethics Commission since 2001.

Councillor Evans asked Mr. Ladendorf to explain the duties of the Ethics Commission and what his role is. Mr. Ladendorf said that his experience over the years is that the Commission primarily dealt with reviewing the Statement of Economic Interest forms that are required to be filed by certain City-County employees based on a specific amount of income. He said the Commission basically looked for places where violations may have been committed in the things that were reported on those forms. Mr. Ladendorf said that most of the violations were inadvertent. He said the Commission also dealt with issues such as local government employees who wanted to start a business or already owned a business of which they wanted to offer services to city/county government or those who wanted to run a business on the side, but ensure that they were not in conflict with their employment in local government. Mr. Ladendorf said that the Commission had a few reviews of fairly high profile matters.

Councillor Lutz said that he has known Mr. Ladendorf for about 25 years and is very happy to sponsor the proposal. He moved, seconded by Councillor Evans, to forward Proposal No. 21, 2010 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 22, 2010 - amends the Code and adopts procedures for investigations of allegations of violations of ethical standards for councilors

Mr. Elrod said that the only thing different with this proposal from what the Committee has been going over for the past several months, is the first section that makes amendments to the existing Code to ensure that this procedure is the one that is

followed from this point forward. He said there are a couple of typographical errors that need to be corrected with a technical amendment. He said that the first is on Page 3, Sec. 151-1122 (4) should have the word "to" added between the words "information" and "the." Also, Sec. 151-1123 (a) should have the word "to" added in the second to last line after the word "and", as he feels this makes the sentence read clearer.

Councillor Lutz said that on Page 1, in Sections 151-1101 and 151-1102 the spelling of the word "Councilor" throughout should be with two ls. Mr. Elrod said that has been done, but this ordinance does not reflect that change.

Chairwoman Cain said that she feels that Sec. 151-1121 (1), the first sentence, should reflect a change of the word "a" to "another" between the words "by" and "Councillor." In addition, the same type of change should be made in Sec. 151-1121 (2) at the end of the first sentence after the word "of."

Mr. Elrod explained that an additional amendment (attached as Exhibit A) comes before the Committee because it occurred to him that a provision has been made to disqualify Councillors from serving if they have a personal conflict in the matter, but the Committee had not addressed the issue of disqualifying the general counsel should they find themselves in the same situation. He said for purposes of making that clear, Exhibit A would allow the Committee to retain another attorney to perform the duties of the general counsel if they have a personal interest or involvement in a situation.

Councillor Moriarty Adams asked for an example of what a personal interest could be. Mr. Elrod said in a recent example, there was an allegation of misconduct of the former President of the Council, that also involved the general counsel. He said in a case such as this, general counsel should not perform the duties of the general counsel.

Councillor Mahern said that there is an expectation in the Ethical Code for Councillors and asked if there is something similar to that for general counsel. Mr. Elrod answered that he would think that the expectation would fall under the professional ethics as an attorney.

Councillor Smith moved, seconded by Councillor Moriarty Adams, to "Amend" Proposal No. 22, 2010 as described in Exhibit A. The motion carried by a vote of 6-0.

All committee members agreed to co-sponsor this amendment.

Councillor Mahern moved, seconded by Councillor Moriarty Adams, to technically "Amend" Proposal No. 22, 2010 with all the typographical corrections as previously discussed. The motion carried by a vote of 6-0.

Councillor Moriarty Adams asked if there is an effective date for the proposal. Mr. Elrod said that it will become effective upon adoption and publication.

Councillor Smith moved, seconded by Councillor Moriarty Adams, to forward Proposal No. 22, 2010 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 6-0.

There being no further business, and upon motion duly made, the meeting was adjourned at 6:54 p.m.

Respectfully Submitted,

Ginny Cain, Chairwoman

GC/nsm

COMMITTEE AMENDMENT

Madam Chairperson:

I move to amend Proposal No. 22, 2010, by inserting in Sec. 151-1121 a new subsection (f) to read as follows:

(f) If the general counsel, chairperson of the Ethics Committee or the committee determines that the general counsel has a personal interest or involvement in the matters described in the Statement of Allegation, the committee shall retain another attorney to perform the duties assigned by this Chapter to the general counsel with respect to proceedings with respect to that Statement of Allegation.

Councillor